



THE CASE

Of the old Secured, Secluded, and now
EXCLUDED MEMBERS,
Briefly and truly Stated;

For their own Vindication, and their Electors and the Kingdoms Satisfaction.

By William Prynne of Lincolns Inne Esq; one of those Members.

July 28. 1648. upon the earnest Petitions of the Aldermen, Common Council, & City of London, and most Counties of England, miserably oppressed, impoverished, distracted, and well nigh ruined, by above 6. years intestine Wars, between the late King and Parliament; the House of Commons (when full and free) voted, That a Treaty should be had in the Isle of Wight, with the King in Person, by a Committee appointed by both Houses, upon the Propositions formerly agreed on, and presented to him at Hampton Court; which the Lords House unanimously assented to: Whereupon Commissioners were nominated, and sent accordingly, to treat upon these Propositions with the King; and a special Order, made and published by the Commons House, September 5. for the respective Sheriffs of each County of England and Wales, personally to summon all absent Members, to meet in the House Septemb. 26. under the penalty of 20. l. for not appearing, in regard of the great importance of this Treaty, for quieting the distempers, and settling the

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* See Mr.
Prynnes
Speech Dec.
4. 1648. and
Vindication
of the secure
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the distracted minds of the people; and because in the multitude of Counsellors there is safety. Hereupon all the Members repaired to discharge their duty in the House; After a long deliberate Treaty for sundry weeks (wherein the King assented to all the Propositions *interminis*; except 3. * wherein he so far complied with the desires of both House, that the differences therein seemed not very considerable) The Treaty being fully concluded, was reported to the House of Commons, Decemb. 1. upon which the House presently entred into the debate of the Kings Concessions: Those who were against them, desiring no Peace nor Healing of the Kingdoms Breaches, made this the Question; *Whether the Kings answer to the Propositions, were satisfactory, or not satisfactory?* but those who desired Peace and settlement, made this the only state of the Question; *Whether the Answers of the King to the Propositions of both Houses, were a ground for the House to proceed upon, for the settlement of the Peace of the Kingdom?* After four dayes and one whole nights serious debate, the Question being put as last stated, Decemb. 5. it was carried in the Affirmative, without any Division of the House; when there were 244. Members in it, besides 60 more declaring themselves for it, who through age, cold, and infirmity (being unable to sit up all night) departed before the Question put, the Dissenters being not the third part of the Members then present. The Army contrary to both Houses Orders were drawn up to Westm. and removed the ordinary Gards of the House out of their quarters, giving out menaces during this debate against all who should vote for the Concessions, on purpose to interrupt and prevent this Vote, and that by Confederacy with some of the Dissenting Members. Yet such was the courage, constancy, and sincerity of the faithfull Members, that maugre all Oppositions and Difficulties, they put and carried the Vote upon such grounds of Reason, Truth, Justice, Honesty and publick Interest, as all their Opposites were unable to contradict or refute.

The Vote being passed, the House appointed Mr. Pierpoint, and six other Members to repair that Afternoon to the head quarters, to confer with the General and his Officers, to keep a right understanding and good correspondence between the House, and the General and Army; and then adjourned till the next morning. The Commissioners repairing to the head quarters that Afternoon were so rudely treated, that one or two of them were secured by some Army-Officers, and the rest put off and slighted without any conference Decemb. 6. the Army-Officers sent sundry Regiments of horse and foot early in the morning to Westminster in a warlike manner, who placed themselves in the Pallace-yards, the Court of Requests, Hall, Court of Wards, stairs, Lobby of the House, and all approaches to it, to secure and seclude those Members who assented to this Vote; Collonel Pride & other Officers who commanded the gards having a List in their hands of the Members names to be secured and secluded, given them, as was reported by Cornelius Holland, and other dissenting Members, That morning they forcibly secluded above 100. Members, keeping them out of the House perforce as they came to the Lobby, and seised 41. Members.

Members in the Stairs and Lobby, pulling two more out of the House it self into which they got before the Officers espyed them: These 45. Members they secured all day in the *Queens Court*, refusing to obey the Orders of those then sitting in the House, who being acquainted with their seizure, sent the Serjeant twice to command their attendance in the House, without any obedience or success: At night all the secured Members but 4, instead of being carried to *Wallingford House* to treat with the General and Officers, as was promised, were unexpectedly thrust into a place called *Hell in Westm*: & there kept Prisoners on the bare boards all the night, though extreme cold. The next morning 3. more Members were seized, and many others secluded, affronted coming to the House. Those in *Hell* about 9. of the clock were carried fasting to *Whitehall*, to confer with the General and *Army-Officers*, who imperiously made them dance attendance on them in a very cold room without fire (for sundry hours) or meat or drink (but some burnt Wine and Biskets they sent for thither) til 7 a clock at night, not vouchsafing so much as to see or confer with any of them, as they promised; and then sent them Prisoners to the *Kings Head and Swan*, through the snow and dirt, guarded with 3 Musquetiers apiece and Gards of Horse besides, like the vilest Rogues and Traytors; and there detained most of them Prisoners sundry weeks, sending some of them close Prisoners to *St. James*, and afterwards to *Windso*r Castle divers months space, without the least particular accusation, impeachment, hearing or tryal. The only cause of this their Imprisonment and Seclusion, as the Officers confess in their *Answer to the House*, touching the grounds of our securing, *Jan. 3.* was our Vote of *Decemb. 5.* which the General and General Council of Officers thus particularly expressed the very next day, *Decemb. 6. 1648.* (the day they secured and secluded us) in their Proposals and desires to the *Commons* in Parliament: wherein they desire, that some Members by name may be secured, and brought to justice. And that those Members that were guilty in the Votes for the Treaty, *July 28. & Decemb. 5.* declaring the *Kings* past Concessions to be a ground for the House to proceed upon, for the settlement of the peace of the Kingdom; have deserted, betrayed, and justly forfeited their Trusts for the Publick; And therefore most earnestly desired, That all such faithfull Members who were innocent therein, would immediately (by Protestation and publick Declaration) acquit themselves from any guilt or concurrence in those Votes, as corrupt and destructive: That so the Kingdom may know who they are that have kept their Trust, and distinguish them from the rest, that have falsified the same; and that all such as cannot, or shall not acquit themselves particularly, may be immediately excluded or suspended the House, and not re-admitted, untill they have given clear satisfaction therein to the Judgement of those who now so acquit themselves, and the grounds of such satisfaction be published to the Kingdom. In obedience to these imperious desires of the General *Army-Council* (the Supream Legislators, over-ruling both the House and General Council of the Kingdom) about 45 or 50 Members (wherof some were *Army-Officers*, Authors of

those Proposals,) sitting under the visible over-awing Gards of the Army-Officers, from December 6. till after all Votes and Orders passed, that can be produced for our suspension or seclusion, Dec. 12, & 13. repealed the Votes of July 28. for the Treaty, and Decemb. 5. touching the Kings concessions, according to the Armie-Officers Proposals, as highly dishonourable to the Parliament, and destructive to the peace of the Kingdom, and tending to the breach of the publick faith of the Kingdoms: publishing A Declaration Jan. 15. expressing their Reasons for annulling and repealing these Votes. And Dec. 18. & 20. passed 2. Orders, that none should sit or act as Members, till they had made and subscribed their particular Protestation against this Vote. In pursute whereof Decemb. 20. 34 Members (whereof 15. are now sitting, the rest dead or absent) entred their dissents and protests against this Vote. Decemb. 21. 3. more, now sitting, entred theirs: Decemb. 25. 6. more (5. now sitting) entred their dissents, yet they sat as an House 4. daies, before 40 of them had entred their protests, and afterwards admitted others to sit, without entring any Protestation, contrary to their Order. By colour of which Orders alone, and of their Vote, Jan. 11. upon the Armie Officers Answer, That the House doth approve of the substance of the Answer of the General Council of the Officers of the Army to the demands of this House touching the securing and secluding of some Members thereof: And doth appoint a Committee (of 24) to consider what is further to be done upon the said Answer, &c. And of another Order in pursute of these February 2. (three dayes after the Kings beheading) they have without any particular accusation, summons or hearing at all, by their Vote of Jan. 5. 1659. adjudged and declared; That the Members who stand discharged (in manner aforesaid) from voting or sitting as Members of this House, in the years 1648. & 1649. doe stand duly discharged by Judgement of Parliament, from sitting as Members of this Parliament: (without so much as naming any one of them particularly in this, or any of their former Votes or Orders, by which they exclude them) And it is ordered; That Writs do issue forth for electing New Members in their places.

This being the true State of the secured, secluded, and excluded Members case, in 1648. & 1649. to which the Vote of Jan. 5. and their forcible seclusion by their Order, Decemb. 27. 1659. relates: the Questions in Law arising thereupon, are briefly these.

1. Whether 3. parts of 4. and above 200 Members of the Commons House, only for passing the premised Vote Dec. 5. 1648. in order to the publick peace and settlement of the kingdom, without any sinister respect, after 4 daies & a whole nights debate, according to their Judgements, Consciences, Trusts, Duties, Oaths, Protestation, Vow, Covenant, the general Petitions, Desires of their Electors, and our 3. distracted kingdoms; contrary to the sense of the Minor part of the House, and General Council of Army-Officers, (who were but their Servants, obliged to obey their just Votes, and Commands, and no Members, Judges, to controll them) may be justly or legally secured, secluded, and thus unworthily Treated by the Army-Officers

cers, by meer armed power; and whiles thus secured and secluded the House, be ejected, dismembred, by the Votes of 40. or 50. of their fellow Members, only upon the Army-Officers imperious desires, whiles sitting under their horrid visible force; which by their own and *Both Houses Declaration* August 20. 1647. (in case of a contemptible force in respect of this, when no Members at all were secluded) *nulls all their Votes, Orders and Ordinances, at and from the very time they are made and passed?* and that without any impeachment, hearing, or trial whatsoever, contrary to all * *Laws, Rules of Justice, Presidents and Proceedings* in Parliaments, or other Courts, in former times.

2. Whether every Member of Parliament by the Custom and Usage of Parliaments, be not obliged, according to his mind and conscience, freely to give his *Ay*, and *No*, to every *Question* propounded in the House whiles he is present, and finable if he refuse to do it, without the least blame, censure, or pretence of breach of trust? And whether the *Freedom* of the Members *debates* and *Votes* in the *House* in matters there propounded, be not the very principal, *essential, fundamental Privilege* of *Parliament*, demanded by every *Speaker*, and granted by every King to the Members at the beginning of every *Parliament*, and denominating Parliaments themselves (derived from *parler le ment*) which if once denied, or made criminal (as now) & that to the major part, will utterly subvert the very name, essence, and being of all future Parliaments?

3. Whether the Army-Officers and *Council* out of the House, being Servants only, commissioned and paid to guard the Members Privileges, and obey the Orders of the House; and neither *Electioners*, nor impowers of the Members secluded; be fit Judges of the Majority of the Members Votes and Debates in the House, which they never heard of, nor were present at, but by misreports or relations from others? And if so, (as these Secluders then and now admit them:) Whether this will not subject those now sitting, and secluding us, with all Members of subsequent Parliaments, and all their Votes, to the Judicature of their Gards, or any other number of Factionous people without doors? yea justify their own forcible Exclusions and dissolutions by *Cromwell*, Apr. 20. 1653. and since by *Lambert* and *Hewson*, Octob. 13. 1659. for Votes and Proceedings more unjust and unreasonable than ours of Dec. 5. 1648. and subvert all the Rights, Privileges, Power, Authority and Honor of English Parliaments for ever?

4. Whether it be not a far greater breach of Privilege, Treason, and levying War against the Parliament, in the Army-Officers, and sitting Members at their request, thus forcibly to secure, seclude and eject above 200 Members, 3. or 4. times one after another, only for voting freely according to their mindes, consciences; and refusing to retract and protest against their own and Majorities Votes; than for *Cromwell*, *Lambert*, & others, to exclude but 50. 60. or 70. of them, sitting as an House and Parliament, being encouraged and justified by their own votes, presidents and Commands to seclude and exclude the Majority of their fellow Members, for voting contrary to the Army Officers desires and designs, who excluded them upon the same account?

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4. Whether it be Parliamentary, Rational, Just, Equitable (admitting the Commons House have power in themselves alone, to vote out any Member for misdemeanours or breach of Trust, without the Lords, which some deny, upon very good*Presidents and grounds) that the far lesser part of the Commons House, may forcibly seclude and vote out the greatest part of their fellow Members, only for over-voting, & dissenting from them in their Judgements? And not more just and reasonable, that the Major part, being the House it self in Law and Conscience, should judge & vote out this Minor part, for their Antiparliamentary Protestation, & such an unjust forcible seclusion & ejection, as ours by the premises now appears to be to themselves, and all the Kingdom; being the highest breach both of their Trust, the Privileges & Rights of Parl. & Peoples Liberties that ever any Members were guilty of since Parliaments began?

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5. Whether their secluding, and voting out all the secluded Members, in the grosse 1648. 1649. and Jan. 5. 1659. without impeachment, summoning, hearing, or nominating any one of them in particular in their Votes or Orders, be not a most unjust, unpresidented, unparliamentary Judgement and Proceedings, contrary to all rules of Justice in all other cases and Judicatures whatsoever, & in this and former Parliaments; yea meetly null and void to all intents for its *Generality* and *Uncertainty*; it being the Privilege of every Member, to be first, accused; 2ly. summoned to answer his accusation if absent; 3ly. re-summoned upon default of appearance; 4ly. To hear his charge, and make his defence, before he be secluded or suspended; 5ly. To sit and vote in the House till suspended or secluded, by special order and Judgement of the House, wherein he is to be*particularly named; All which circumstances, were punctually observed by themselves, in *Sir Henry Vanes case* Jan. 9. 1659. before they ejected him, since their vote against the secluded Members; which deserved as much right and Justice as he, if not far more, who joynd with those mutinous *Army-Officers* who excluded them; 6ly. If many be joyntly or severally accused, by name, they are to make their joynt or several answers and defences, and to receive their particular joynt or several censures, pronounced by the Speaker in their hearing at the Barre; as in *Sr. H. Vanes* late case; All which particulars failing, in this general vote against them all; the meanest of their Electors, & of those for whom they serve (more injured by this vote then themselves) and all Judges, Lawyers now sitting with them, will pronounce their Vote most absurd and void to all intents, unworthy the Wisdom, Justice and Gravity of those, who stile themselves, *The Parliament*?

6. Whether the Ordinance published Dec. 15. 1648. in the name of the Lords and Commons, against A Protestation Dec. 10. 1642. printed in the Name of *all the secluded and secured Members*, (though not subscribed nor owned publickly by them, nor proved to be published by their order or privity) *disabling all the secured & secluded Members to sit any more, during this Parl.* (which some pretend the chief ground of their ejection now, though never mentioned nor insisted on before) without naming, hearing, or disabling any of those Members in particular, or adjudging

judging them, the Authors of that *Protestation*; be not meerly void & null to all intents, being so general and indefinite, made only by 3. or 4. Lords, and 50. Commoners at most, sitting under that very force, which then secluded, imprisoned the major part both of the Lords and Commons House, and so declared null and void by the Speakers Letter, July 29. and the Ordinance of both Houses, August 20. 1647? Whether the major part of the Commons and Lords House then forcibly secluded, might not by vertue of this Ordinance, as well as their Speaker *Lenthall* by his Letter, and both Houses by that Ordinance, declare all Proceedings, Votes and Ordinances in the respective Houses, whereof they were Members, void and null to all intents, during their forcible seclusion, and the force then put upon the Houses, without any offence or crime at all deserving seclusion; and were not bound by their *Protestation*, *League and Covenant*, to do it, to preserve their own, and the Houses privileges, being the far greater number of Members, 5. times more than those who voted them out? It differing much from the *Protestation* of some of the Bishops, committed to the Tower for their *Protestation*, Dec. 1641. 1. Because they were not forcibly secluded, as we. 2ly. Not the majority of the Bishops, much less of the Lords House, as we. 3ly. They protested against all Proceedings whatsoever in both Houses of Parliament during their absence (not seclusion) from the House, as void and null, til their restitution, not in the Lords House alone, which was the chief, if not only exception against their *Protestation*. though there was then no force upon the Lords or Commons; But the *Protest.* in the secluded Members names protested only against the proceedings in the Commons House, during their forcible securing and secluding, and the force upon those that sat. 4ly. They were heard in the Lords House concerning it, before they were committed: but none of the secluded Members were ever yet heard before their seclusion or securing. 5ly. They were only imprisoned for their *Protestation* during the Lords House pleasure, not excluded & voted out of the House during the Parliament. Upon all which Considerations, the Proceedings of the major part of the Lords House against them, do no way warrant the Declaration of the minority of the Commons House and Lords, against the majority of the Commons House, then under a force and secluded, and the majority of the Lords House, together with them. All which the secluded Members presume will fully satisfy those for whom they serve, and the whole English Nation, World, and their Secluders too, of the Injustice of their former and late forcible Seclusions, and Ejections by their premised Orders, Votes, & vindicate the Rights and Privileges of Parliament, til they can meet together in safety, to draw up a larger Decl: of their Case & unjust antiparliamentary exclusion, without the danger of a new securing, being all ordered to be seized on at Mr. *Ansleys* House in Drury-lane the 9th. of this January by a party of 40. Muskietiers, and Captain commanding them, accompanied with one of the Serjeants men, who beset and searched the House to apprehend them, but that they were all departed thence before they came thither, and so

so escaped their hands; the cause of this Brief publication.

The secluded Members repute it very hard, and injurious, that they should be thus frequently, and long secluded by force, and many of them imprisoned divers years, and publickly secluded and slandered by their Fellow-Members Votes behind their backs without hearing, or the least admission to vindicate their Innocency and the justice of the Vote for which they are secluded, in the House; and yet be searched after and re-imprisoned and secured by armed Guards by Order of their Secluders, for endeavouring to vindicate their own Innocency, Parliamentary Rights, Privileges, and the Liberties of those many Counties, Cities and Boroughs, for which they serve, without Doors, when as they cannot be admitted to it in the House it self, unlesse they will first eat and retract their former Votes, against their Consciences, Privileges, and abjure their former Oaths, Protestation, Covenant, Declaration, by taking a new enforced Ingagement: Whereupon they desire their few Secluders to consider the 1 Cor. 12. 14, &c. *For the Body is not one Member but many, &c. But now God hath set the Members every one of them in the Body, as it hath pleased him. And if they were all one Member, where were the Body? But now are they many (not few) Members, yet but one Body. And the eye cannot say to the hand, I have no need of thee; nor again the head to the feet, I have no need of them; Nay, much more those Members that seem to be more feeble are necessary, &c. That there should be no division in the Body, but that the Members should have the same care one for another. And whether one Member (much more when most of them) suffer, all the Members suffer with it; or one Member be honoured, all the Members rejoyce with it. Which Consideration, with that of Mat. 7. 12. Therefore whatsoever ye would that men should do unto you, do you even so to them, for this is the Law and the Prophets. 1 Thes. 4. 6 Let no man over-reach, oppress, or defraud his Brother (much lesse so many Brethren of eminency) in any matter, (especially in their publick Parliamentary Trusts, Rights, Privileges,) because the Lord is the Avenger of all such, as we have forewarned and testified (and their own double forcible Seclusion hath fully exemplified,) might now at last convince them of, and convert them from their former Injustice and Violence, and make them more just and tender towards us than hitherto they have been, either as Christians or Englishmen, who are Members of one and the self-same Church, Kingdom, Parliament, House, formerly united together in strictest Bonds of Unity and Amity, though now sadly divided by their force and fury, to the ruine both of the Church, Kingdom, Parliament, and the House it self whereof they were Fellow-Members.*

F I N I S.

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1. The first of these is the